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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/905,682 | 07/13/2001 | John J. Feldis III | 09623V-033100US | 4800 |
| 20350 | 7590 | 08/17/2005 | EXAMINER | |
| TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | HENN, TIMOTHY J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|-----------------|-----------------|
| | 09/905,682 | FELDIS, JOHN J. |
| Examiner | Art Unit | |
| Timothy J. Henn | 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 July 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4-7,10-17 and 19-23 is/are rejected.

7) Claim(s) 2,3,8,9 and 18 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 13 July 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/22/05

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Moghadam et al. (US 5,913,088).

[claim 1]

Regarding claim 1, Moghadam discloses a method of storing images comprising: providing an image capturing apparatus (figure 1); inserting a non-volatile memory medium into the image capturing apparatus, the non-volatile memory medium being suitable for storing image data (figure 1, item 16; c. 2, ll. 44-47); and writing a program (i.e. an applet) onto the non-volatile memory medium, wherein the program is capable of being executed without specific user initiative when the non-volatile memory medium is coupled to a computer to access image data stored in the non-volatile memory medium (c. 2, ll. 40-54; c. 3, ll. 43-61). The examiner notes that executable code as described by Moghadam is “capable of” being executed without specific user initiative.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2612

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Moghadam et al. (US 5,913,088) in view of Anderson et al. (US 6,567,122).

[claim 4]

Regarding claim 4, Moghadam discloses all limitations except for an image capturing apparatus which is a digital camera and a non-volatile memory medium which is a flash card.

Anderson discloses a digital camera (figure 1) which stores images on a flash card (figure 3, item 354; c. 7, ll. 1-13). Anderson further discloses that since digital cameras have no "film" for storing images there is no incremental cost associated with taking and storing additional pictures (c. 1, ll. 47-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a digital camera as taught by Anderson in place of the film camera of Moghadam to create an imaging system with no incremental costs associated with taking and storing additional pictures (c. 1, ll. 47-57).

5. Claims 5-7, 10, 11, 13-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moghadam et al. (US 5,913,088) in view of Anderson et al. (US 6,567,122) as applied to claim 4 above, and further in view of Yamamoto (EP 0946046).

[claim 5]

Regarding claim 5, Moghadam in view of Anderson discloses a method comprising: storing a digital image into a flash card (Anderson; c. 7, ll. 1-13); providing a computer to access the stored digital image (Moghadam; figure 3, item 60); coupling the flash card to the computer (Moghadam; c. 3, ll. 43-47; the examiner notes that Moghadam discloses transferring the images to the computer system for processing, such an operation must also take place to transfer the images stored in the flash card of Anderson to the computer of Moghadam under the combination); and accessing the digital images stored in the flash card using the computer (Moghadam; c. 43-61; i.e. processing the images using the applet). However, Moghadam in view of Anderson does not specifically disclose executing the applet program without specific user initiative.

Yamamoto discloses an image processing apparatus where data and processing instructions (i.e. a startup program) are transferred to a processing system and the processing instructions are carried out without requiring and interactive operation between the user and the processing system (e.g. paragraph 0080). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include processing instructions as taught by Yamamoto to automatically execute the applet of Moghadam in view of Anderson as taught by Yamamoto to carryout processing without directly performing an interactive operation between the user or "client" and the processing system.

[claim 6]

Regarding claim 6, Moghadam discloses downloading applets to the PC to process the image or “activating a browser installed in the computer according to instructions of the executed program and creating a communication link to a website having access to an application software, the application software being suitable for accessing the digital image stored in the flash card” (c. 3, ll. 51-57).

[claim 7]

Regarding claim 7, Moghadam discloses downloading application software and accessing stored image data with the downloaded application software to process the image or “downloading the application software before accessing the digital image stored in the flash card” (c. 3, ll. 43-61).

[claim 10]

Regarding claim 10, Anderson discloses coupling the flash card to remote computer systems through the use of the digital camera (i.e. running a website on the digital camera; abstract).

[claim 11]

Regarding claim 11, Moghadam in view of Anderson in view of Yamamoto does not disclose coupling the flash card to the computer via flash card reader. However, Official Notice is taken that it is notoriously well known in the art to provide a computer with a flash card reader to access digital image data stored on a flash card by digital cameras. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a flash card reader for coupling the flash card to the computer system of Moghadam in view of Anderson in view of Yamamoto to allow

the computer to directly access the contents of the memory card.

[claim 13]

Regarding claim 13, Moghadam discloses a method of accessing images comprising: providing a camera have applet programs for accessing image data (figure 1); inserting a memory card into the camera (figure 1, item 16; c. 2, l. 44-47); storing the captured image on the memory card (i.e. film; figure 1, item 16); coupling the memory card to a computer suitable for accessing the stored image (figure 3, item 60) wherein the applet program accesses the stored image (i.e. processing the image; c. 3, ll. 43-61). However Moghadam does not disclose a camera which is a digital camera and a memory card which is a flash card.

Anderson discloses a digital camera (figure 1) which stores images on a flash card (figure 3, item 354; c. 7, ll. 1-13). Anderson further discloses that since digital cameras have no "film" for storing images there is no incremental cost associated with taking and storing additional pictures (c. 1, ll. 47-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a digital camera as taught by Anderson in place of the film camera of Moghadam to create an imaging system with no incremental costs associated with taking and storing additional pictures (c. 1, ll. 47-57). However, Moghadam in view of Anderson further does not specifically disclose executing the applet program without specific user initiative.

Yamamoto discloses an image processing apparatus where data and processing instructions (i.e. a startup program) are transferred to a processing system and the

processing instructions are carried out without requiring and interactive operation between the user and the processing system (e.g. paragraph 0080). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include processing instructions as taught by Yamamoto to automatically execute the applet of Moghadam in view of Anderson as taught by Yamamoto to carryout processing without directly performing an interactive operation between the user or "client" and the processing system.

[claim 14]

Regarding claim 14, Anderson discloses coupling the flash card to remote computer systems through the use of the digital camera (i.e. running a website on the digital camera; abstract).

[claim 15]

Regarding claim 15, Moghadam discloses downloading the application software or "installing" the application software in the computer (c. 3, ll. 43-61).

[claim 16]

Regarding claim 16, Moghadam discloses application software which is available at a remote location from the computer (c. 3, ll. 51-55).

[claim 17]

Regarding claim 17, Moghadam discloses downloading the application software to the computer to activate the application software (c. 3, ll. 51-55).

[claim 19]

Regarding claim 19, Moghadam discloses a start-up program which includes the application software (c. 3, ll. 47-51).

[claim 20]

Regarding claim 20, Moghadam discloses a method of accessing images comprising: providing a camera have applet programs for accessing image data (figure 1); inserting a memory card into the camera (figure 1, item 16; c. 2, l. 44-47); storing the captured image on the memory card (i.e. film; figure 1, item 16); coupling the memory card to a computer suitable for accessing the stored image (figure 3, item 60), creating a communication link with the website using the communication address stored in the program; downloading the application software to the computer; and executing the application software to access the image stored in the flash card (i.e. processing the image; c. 3, ll. 43-61). However Moghadam does not disclose a camera which is a digital camera and a memory card which is a flash card.

Anderson discloses a digital camera (figure 1) which stores images on a flash card (figure 3, item 354; c. 7, ll. 1-13). Anderson further discloses that since digital cameras have no "film" for storing images there is no incremental cost associated with taking and storing additional pictures (c. 1, ll. 47-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a digital camera as taught by Anderson in place of the film camera of Moghadam to create an imaging system with no incremental costs associated with taking and storing additional pictures (c. 1, ll. 47-57). However, Moghadam in view of Anderson further

does not specifically disclose executing the applet program without specific user initiative.

Yamamoto discloses an image processing apparatus where data and processing instructions (i.e. a startup program) are transferred to a processing system and the processing instructions are carried out without requiring and interactive operation between the user and the processing system (e.g. paragraph 0080). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include processing instructions as taught by Yamamoto to automatically execute the applet of Moghadam in view of Anderson as taught by Yamamoto to carryout processing without directly performing an interactive operation between the user or "client" and the processing system.

[claim 21]

Regarding claim 22, Moghadam discloses a camera comprising an imaging device to convert reflected light into image data (figure 1, item 16) and a non-volatile memory having an applet or "program" including a communication address of a website having an application software that is operable to access the image data and creating a communication link to the website to be created (c. 3, ll. 43-61). However Moghadam does not disclose a camera which is a digital camera, a processor coupled to the imaging device to process the image data and a memory medium coupled to the processor to store the processed image data.

Anderson discloses a digital camera (figure 1) which includes a processor for processing image data (figure 2, item 228) and which stores the processed images on a

flash card (figure 3, item 354; c. 7, ll. 1-13). Anderson further discloses that since digital cameras have no "film" for storing images there is no incremental cost associated with taking and storing additional pictures (c. 1, ll. 47-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a digital camera as taught by Anderson in place of the film camera of Moghadam to create an imaging system with no incremental costs associated with taking and storing additional pictures (c. 1, ll. 47-57). However, Moghadam in view of Anderson further does not specifically disclose executing the applet program without specific user initiative.

Yamamoto discloses an image processing apparatus where data and processing instructions (i.e. a startup program) are transferred to a processing system and the processing instructions are carried out without requiring and interactive operation between the user and the processing system (e.g. paragraph 0080). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include processing instructions as taught by Yamamoto to automatically execute the applet of Moghadam in view of Anderson as taught by Yamamoto to carryout processing without directly performing an interactive operation between the user or "client" and the processing system.

[claim 22]

Regarding claim 22, see claim 21.

[claim 23]

Regarding claim 23, Moghadam discloses a memory having an applet program including a communication address of a website having an application software that is operable to access data stored in the memory (figure 1, item 16; c. 3, ll. 43-61). However, Moghadam does not disclose a memory which is flash card.

Anderson discloses a digital camera (figure 1) which stores images on a flash card (figure 3, item 354; c. 7, ll. 1-13). Anderson further discloses that since digital cameras have no "film" for storing images there is no incremental cost associated with taking and storing additional pictures (c. 1, ll. 47-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a digital camera as taught by Anderson in place of the film camera of Moghadam to create an imaging system with no incremental costs associated with taking and storing additional pictures on a flash memory card instead of on film (c. 1, ll. 47-57). However, Moghadam in view of Anderson further does not specifically disclose executing the applet program without specific user initiative.

Yamamoto discloses an image processing apparatus where data and processing instructions (i.e. a startup program) are transferred to a processing system and the processing instructions are carried out without requiring and interactive operation between the user and the processing system (e.g. paragraph 0080). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include processing instructions as taught by Yamamoto to automatically execute the applet of Moghadam in view of Anderson to carryout processing without directly

performing an interactive operation between the user or “client” and the processing system.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moghadam et al. (US 5,913,088).

[claim 12]

Regarding claim 12, Moghadam does not specifically disclose storing program data in read only memory and instead stores the program data in memory card 40. However, Official Notice is taken that it is notoriously well known in the art to store camera data in read only memory to avoid accidentally deleting the data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a read only memory and to store the program data in the read only memory to avoid accidentally deleting the program data.

Allowable Subject Matter

7. Claims 2, 3, 8, 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claim 2]

Regarding claim 2, the prior art does not teach or fairly suggest a method claimed in claim 1 further comprising determining whether the inserted non-volatile memory medium has the program, wherein the program is written if it is determined that

the memory medium does not have the program.

[claim 3]

Regarding claim 3, the prior art does not teach or fairly suggest a method claimed in claim 1 further comprising formatting the memory medium to make it suitable for storing image data, wherein the program is written onto the memory medium at the time the memory medium is being formatted.

[claims 8 and 18]

Regarding claim 8 and 18, the prior art does not teach or fairly suggest remotely accessing application software without downloading the application software to access digital images stored in a flash card by the methods claim in claims 6 and 16 respectively.

[claim 9]

Regarding claim 9, the prior art does not teach or fairly suggest providing the user with an option of downloading the application software or accessing the application software remotely to access the digital image stored in the flash card by the method of claim 6.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following further shows the current state of the art in memory cards containing control programs:

i. Sarbadhikari et al.

US 5,477,264

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| | | |
|------|-------------|--------------|
| ii. | Fukuoka | US 6,104,430 |
| iii. | Shih et al. | US 6,405,362 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
6/17/2005


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